



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,616	02/27/2004	Mark Steven Wuthnow	C02-0126-000 CI099/0CI21	7645

37332 7590 01/24/2006

STITES & HARBISON PLLC - CINGULAR
1199 NORTH FAIRFAX ST
SUITE 900
ALEXANDRIA, VA 22314

EXAMINER

PATEL, HEMANT SHANTILAL

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,616

Applicant(s)

WUTHNOW ET AL.

Examiner

Hemant Patel

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-21 is/are rejected.
- 7) ☒ Claim(s) 4-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Applicant's response dated December 9, 2005 in response to Office Action dated September 22, 2005 has been received and recorded.

Response to Arguments

1. Applicant's arguments filed December 9, 2005 have been fully considered but they are not persuasive.

Regarding claims 1, 8, 16 and 19, the Applicant argues that cited reference Spielman does not teach the platform selector element of claim 1 further clarifying that the platform selector of cited reference is a "notification process" (Response pg. 2, ll. 15-25). Examiner respectfully disagrees.

The notification function is part of voice mail system (Newton's Telecom Dictionary, 8th Edition, 1994, pg. 1125 defines voice mail system feature described as "it will tell you if you have any messages" i.e. notification to the recipient). The claims 1 and 16 recite system for voice mail service and claims 8 and 9 recite method for using this system. They do not distinctly specify any of different functions of voice mail system i.e. voice message recording, voice message storing, voice message retrieving and voice message notification. Thus, the claims broadly read on cited reference Spielman.

2. Applicant's arguments, see pg. 4, ll. 25-27, filed on December 9, 2005, with respect to claims 4-7 have been fully considered and are persuasive. The objection of claims 4-7 has been withdrawn.

The original claim rejections with modifications for withdrawn rejections are repeated below for convenience.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 8, 16 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Spielman (US Patent No. 6,560,318 B1).

Regarding claims 1, 8 and 16, Spielman discloses a system (Fig. 1, item 10) for providing voice mail service in an environment having multiple voice mail technology platforms (Fig. 1, items 14a.... 14f), said system comprising:

an automatic message attendant device having a platform selector element (Fig. 1, item 12, col. 9, ll. 28-32, using notification preference and determining notification secondary mailbox for respective platform process);

a subscriber profile database (Fig. 1, item 30) relating voice mail technology platform indicator information (Fig. 4B, items 82g, 82f MWI, PAGER) for a plurality of subscribers to corresponding subscriber identities (Fig. 4A, items 76), said subscriber profile database in communication with said platform selector element (col. 9, ll. 21-24);

said platform selector element operative to:

receive call information regarding a call placed to a subscriber from a caller, said call information including the identity of the subscriber to whom the call was placed (col. 9, ll. 7-10, notification message, 14-15, identity of receiver parsed from message);

obtain voice mail technology platform indicator information (preferences MWI, PAGER) for said subscriber from said subscriber profile database utilizing said subscriber identity (col. 9, ll. 21-24); and

select a voice mail technology platform by using said voice mail technology platform indicator information (col. 9, ll. 28-36, select secondary mailbox corresponding to process related to preference).

Regarding claim 19, Spielman teaches of a computer readable medium having computer executable instructions for performing a method for providing voice mail service in an environment having multiple voice mail technology platforms (col. 8, ll. 52-60) comprising the steps of:

receiving information regarding a call from a caller to be directed to a voice mail technology platform, said call information including an identity of the subscriber to whom the call was placed (Fig. 3, steps 50, 52);

obtaining voice mail technology platform indicator information from a subscriber profile database utilizing said subscriber identity (Fig. 3, steps 54, 56); and

selecting a voice mail system platform by using said voice mail system platform indicator information (Fig. 3, steps 58, 60).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman as applied to claim 1 above, and further in view of Wheeler (US Patent No. 5,572,583).

Regarding claim 2, Spielman does not teach of a system further having a common signaling network, said platform selector element in communication with said common signaling network, wherein said platform selector element receives said call information through said common signaling network from a communication switch, and wherein said platform selector element is further operative to provide a routing address for the selected voice mail technology platform to said communication switch through said common signaling network.

However, in the same field of endeavor, Wheeler teaches of a system having a common signaling network (Fig. 3, SS7) with platform selector element (Fig. 3, SCP) in communication with said common signaling network, wherein said platform selector element receives said call information through said common signaling network from a communication switch (col. 7, ll. 39-47), and wherein said platform selector element is further operative to provide a destination (routing) address for the selected technology platform (Fig. 3, item 37, IP) to said communication switch through said common signaling network (col. 14, ll. 47 – col. 15, ll. 15).

It would have been obvious to a person of ordinary skill in the art to modify a system as taught by Spielman to include functionality of sending call information to platform selector element and receiving corresponding selected platform destination address as taught by Wheeler in order to enable customized processing of a call.

4. Claims 3, 9, 11-15, 17, 18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman as applied to claim 1 above, and further in view of Jones (US Patent No. 5,193,110).

Regarding claims 3, 9 and 11, Spielman does not teach of a system wherein automatic message attendant receives a connection to the caller and connects said caller to selected voice mail technology platform.

However, in the same field of endeavor, Jones teaches of a system wherein message attendant (col. 3, ll. 64-66, Integrated Service Platform including, Fig. 1, item 24, MCU and item 26, DSS) device is operative to:

receive a connection to said caller (col. 6, ll. 6-19); and

connect said caller to said selected voice mail technology platform (col. 6, 44-59, VPU or FPU, also indication of E-mail service col. 19, ll. 22-25).

It would have been obvious to a person of ordinary skill in the art to modify a system as taught by Spielman to include functionality of connecting caller to desired (selected) platform as taught by Jones in order to connect the caller directly to one of the desired functionality platform in an integrated services platform (Jones, col. 1, ll. 64 – col. 2, ll. 2).

Regarding claims 12 and 17, Spielman teaches of recording voice mail (Fig. 1, item 20a).

Spielman does not teach of a system obtaining and playing personal greeting audio announcement to the caller.

However, in the same field of endeavor, Jones (in the copending application 07/393,270 now a patent no. 5,029,199 which is incorporated in the instant reference art, col.6, ll. 61-63) teaches of obtaining personal greeting information for called subscriber utilizing called subscriber identity and playing it to the caller and recording voice mail message from said caller to said subscriber (Jones, copending application col. 5, ll. 17-31, col. 12, ll. 15-20).

It would have been obvious to a person of ordinary skill in the art to modify a system as taught by Spielman to include functionality of retrieving called subscriber's personal greeting and playing it to the caller and then recording voice mail message from the caller for the called subscriber as taught by Jones in order to provide customized instructions to the caller for recording voice message for the called subscriber.

Regarding claim 13, Spielman teaches of a message recorder element (Fig. 1, item 20a) and also teaches of message recorder element (which is also notification source external to automated message attendant, Fig. 1, item 12) further operative to forward the recorded message to the selected voice mail technology platform (Fig. 1, item 28', col. 8, ll. 48-51, external notification source sending message directly to selected platform).

Spielman does not teach of a system with a greeting player.

However, in the same field of endeavor, Jones (in the copending application 07/393,270 now a patent no. 5,029,199 which is incorporated in the instant reference art, col. 6, ll. 61-63) teaches of a personal greeting player incorporated in recorder element (Jones, copending application col. 5, ll. 17-21, col. 12, ll. 15-18).

It would have been obvious to a person of ordinary skill in the art to modify a system as taught by Spielman to include functionality of personal greeting incorporated in recorder element as taught by Jones in order to provide integrated function of customized instructions to the caller and recording voice message for the called subscriber.

Regarding claims 14 and 18, Spielman teaches of a system further comprising a message format requirement database relating message format requirement information (Fig. 4B, MWI, PAGER) for a plurality of subscribers to corresponding subscriber identities (Fig. 4A, item 76), wherein said automatic message attendant device further has a content adapter element, said content adapter element in communication with said message format requirement database, said content adapter element operative to:

obtain message format requirement information for said subscriber from said message format requirement database utilizing said subscriber identity (Fig. 4A, Fig. 4B, col. 7, ll. 20-28); and

convert said recorded voice mail message to the format indicated by said message format requirement information (col. 7, ll. 29 – col. 8, ll. 7).

Regarding claim 15, Spielman teaches of a system wherein said content adapter element is further operative to forward the formatted message to the selected voice mail technology platform (Fig. 1, item 28, messages to respective processes 14a...14f, col. 7, ll. 29 – col. 8, ll. 7).

Regarding claim 20, Spielman does not teach of a computer readable medium including instructions for obtaining personal greeting, playing it to the caller and rerecording caller voice mail for called subscriber.

However, in the same field of endeavor, Jones teaches of computer readable medium including instructions for loading the system for obtaining personal greeting information for called subscriber utilizing called subscriber identity and playing it to the caller and recording voice mail message from said caller to said subscriber (col. 7, ll. 31-34).

It would have been obvious to a person of ordinary skill in the art to modify a system as taught by Spielman to include functionality of loading the system from a computer readable medium for retrieving called subscriber's personal greeting and playing it to the caller and then recording voice mail message from the caller for the called subscriber as taught by Jones in order to enable customized enhancements and modifications to the system.

Regarding claim 21, Spielman teaches of a computer readable medium including executable instructions for performing a method for providing voice mail service in an environment having multiple voice mail technology platforms, further including the steps (Fig. 3, steps 58, 60, col. 8, ll. 52-60) of:

obtaining message format requirement information for said subscriber from a message format requirement database utilizing said subscriber identity; and

converting said recorded voice mail message to the format indicated by said message format requirement information.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman and Jones as applied to claim 9 above, and further in view of Wheeler.

Regarding claim 10, Spielman does not teach of a step of directing the caller to the selected voice mail technology platform providing a routing address for the selected voice mail technology platform to a communication switch through a common signaling network.

However, in the same field of endeavor, Jones teaches of a system having a common signaling network (Fig. 2, SMDI link, which can be common channel signaling system 7 i.e. CCS7, col. 19, ll. 55-57) to receive call information from central office to platform selector.

Jones does not teach of providing selected voice mail technology platform routing address back to the communication switch.

However, in the same field of endeavor, Wheeler teaches of a system directing the caller to the selected voice mail technology platform providing a destination (routing) address for the selected technology platform (Fig. 3, item 37, IP) to said communication switch through said common signaling network (col. 15, ll. 1-15).

It would have been obvious to a person of ordinary skill in the art to modify a system as taught by Spielman and Jones to include functionality of directing caller to

Art Unit: 2645

selected platform providing destination (routing) address for the selected platform to communication switch through a common signaling network as taught by Wheeler in order "to offer the enhanced announcement capabilities and other service features" and not to "increase traffic on the interoffice signaling network" (Wheeler, col. 3, ll. 35-40).

Allowable Subject Matter

6. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spielman (US Patent No. 6,665,378 B1) IP-Based Notification Architecture For Unified Messaging

Spielman (US Patent No. 6,671,355 B1) Arrangement For Common-Format Notification Delivery Messages Based On Notification Device Type In An IP-Based Notification Architecture

Sumar (US Patent No. 5,838,768) System And Method For Controlled Media Conversion In An Intelligent Network

Chen (US Patent No. 5,751,791) Network Based Mediamedia Messaging Method And System

Bruno (US Patent No. 5,724,407) Network Based Mediamedia Messaging
Method for Non-CCITT Compliant Switches

Miller (US Patent No. 6,421,707 B1) Wireless Media-Media Messaging
Communications Method and Apparatus

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2645

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

Hemant Patel
Examiner
Art Unit 2645

HSP